

## IN THE MICHIGAN COURT OF APPEALS

### ORDER

Re: **Gerald L Haycock v Nugent Sand Company Inc**  
Docket No. **280911**  
L.C. No. **03-042681-CH**

William C. Whitbeck, Chief Judge, acting under MCR 7.203(F)(1) and 7.216(A)(10),  
orders:

The claim of appeal filed on September 26, 2007, is DISMISSED for lack of jurisdiction. The March 13, 2006 order was the MCR 7.202(6)(a)(i) final order as it was the first order disposing of the claims of the parties. The September 10, 2007 order could only be a MCR 7.202(6)(a)(i) final order if it reversed the March 13, 2006 order. It did not. Furthermore, as to the March 13, 2006 final order the claim of appeal was untimely since the motion to clarify was not filed within 21 days of March 13, 2006, as would be required by MCR 7.204(A)(1)(b). Finally, MCR 7.202(6)(a)(ii) does not apply to this case as this case is not a receivership or similar action. Any appeal must be by application for leave to appeal under MCR 7.205.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

**OCT 15 2007**  
Date

*Sandra Schultz Mengel*  
Chief Clerk